

CLAIM FOR SMALL ENTITY STATUS AND 18 USC 1001 DECLARATION  
(37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR

Applicant: FRASSICA, James J.

Serial or Patent No.: \_\_\_\_\_, Filed Herewith

Attorney Docket Number: FA63-CIP

Titled: ROTATE TO ADVANCE CATHETERIZATION SYSTEM

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in

☒ the specification filed herewith with title as listed above.

☐ the application identified above.

☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization.

☐ persons, concerns or organizations listed below.

☒ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Robert E. Ailinger, 118 Albemarle Rd., Norwood, MA 02062

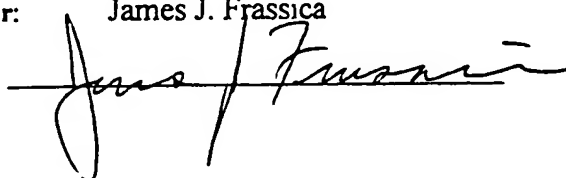
Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying or at the time of paying the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Inventor: James J. Frassica

Signature:



Date of Signing:

2/9/97

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(b))- NON-INVENTOR**

Applicant or Patentee: James J. Frassica

Serial or Patent No. \_\_\_\_\_, Filed: Herewith

Title: ROTATE TO ADVANCE CATHETERIZATION SYSTEM

I hereby declare that I am making this verified statement to support a claim by James J. Frassica for small entity status for purposes of paying reduced fees to the United States Patent and Trademark Office, regarding the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying fees to the United States Patent and Trademark Office, if I had made the above identified invention.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). Note: Separate verified statements are required from each person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Each person, concern or organization to which I have assigned, granted, conveyed, licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 CFR 1.28(b)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: Robert E. Ailinger  
Address of person signing 118 Albemarle Rd.  
Norwood, Massachusetts 02062

Signature: Robert E. Ailinger

Date: 2/9/97

## DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

**DECLARATION:** As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought, entitled ROTATE TO ADVANCE CATHETERIZATION SYSTEM, specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above cited specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge my duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56. I hereby claim foreign priority benefits under Title 35 United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Applications(s)</u>			<u>Priority Claimed</u>	
NA			Yes	No
(Number)	(Country)	(Date filed)		

I hereby claim the benefit under Title 35 United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Ser. No.)</u>	<u>(Filing Date)</u>	<u>(Status-Patented, Pending or Abandoned)</u>
08/463194	June 5, 1995	pending
08/585040	Jan 11, 1996	pending
60/012276	Feb 2, 1996	pending
PCT/US/96/09274	JUN 6, 1996	pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** I hereby appoint as my attorney, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Vernon C. Maine, Registration No. 37,389.

Send correspondence to:

Vernon C. Maine, Esq.  
LAW OFFICE AND BUSINESS CENTER  
8 Valencia Drive  
Nashua, NH 03062-1406

Direct calls to:

Tel (603) 886-6100  
Fax (603) 886-4796  
Email: VCMaine@aol.com

Inventor's Name(s): James J. Frassica

Citizenship: US

Residence: 5 Essex Place  
Chelmsford, Massachusetts 01824

Postal Address: 5 Essex Place  
Chelmsford MA 01824

Signature:



Date of Signing:

2/9/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: James J. Frassica  
Serial No.: 08/797,426  
Filing Date: 02/10/97  
Title: ROTATE TO ADVANCE CATHETERIZATION SYSTEM  
Group Art Unit: 3762  
Examiner: N. Grang  
Attorney's Docket No.: FA-63 CIP

Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, James J. Frassica, hereby declares that he is President of Essex Technology, Inc., a Massachusetts corporation having a principal place of business at 5 Essex Place, Chelmsford, Massachusetts 01824, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons.

For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I further declare, on information and belief, that exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U.S. patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

Essex Technology, Inc.

Date: Nov. 23, 1999

By: 

James J. Frassica  
President

MR/FA63CPCN.VS

10044302-12404

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James J. Frassica  
Serial No.: 08/797,426  
Filing Date: 02/10/97  
Title: ROTATE TO ADVANCE CATHETERIZATION  
SYSTEM  
Group Art Unit: 3734  
Examiner: N. Gring  
Attorney's Docket No.: FA63-CIP

**COPY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

REQUEST FOR RECORDATION

Enclosed is an Assignment of the above-identified patent application from the owners, James J. Frassica and Robert E. Ailinger, to Essex Technology, Inc.

Would you please record the Assignment and then please return the original, recorded assignment to Mark J. Pandiscio, Pandiscio & Pandiscio, 470 Totten Pond Road, Waltham, Massachusetts 02451-1914.

Enclosed is a check in the amount of \$40.00 to cover the fee for recording the Assignment.

Please charge any additional fees which may be due in connection with this matter, or credit any overpayment, to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

*David A. Tucker* 12/7/98

David A. Tucker  
Registration No. 27,840  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. No. (781) 290-0060

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

DECEMBER 7, 1998  
(DATE OF DEPOSIT)

DAVID A. TUCKER  
(NAME OF ATTORNEY)

*David A. Tucker* 12/7/98  
(SIGNATURE)

December 7, 1998  
(DATE OF SIGNATURE)

MR/FA63CIP.REC

FA63-CIP

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**Tab settings**  

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

James J. Frassica  
Robert E. Ailinger

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

### 3. Nature of conveyance:

## Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name☐ Other

Execution Date: December 3, 1998

2. Name and address of receiving party(ies)

Name: Essex Technology, Inc.

Internal Address:

Street Address: 5 Essex Place

City: Chelmsford State: MA ZIP: 01824

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

**A. Patent Application No.(s)**  
**08/797,426**

**B. Patent No.(s)**

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

**Name:** Mark J. Pandiscio

**Internal Address:**

Street Address: Pandiscio & Pandiscio

470 Totten Pond Road

City: Waltham, State: MA ZIP: 02451

-1914

**6. Total number of applications and patents involved:**

7. Total fee (37 CFR 3.41).....\$ 40.00

**Enclosed**

☒ Authorized to be charged to deposit account  
(any deficiencies)

8. Deposit account number:

16-0221

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

**9. Statement and signature.**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

David A. Tucker

Name of Person Signing

**Signature**

**Total number of pages, including cover sheet, attachments, and document:**

5

Date \_\_\_\_\_

**Mall documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments**

Practitioner's Docket No. FA63-CIP

**PATENT**

For: ☒ U.S. and/or ☒ Foreign Rights  
For: ☐ U.S. Application or  
☐ U.S. Provisional Application  
For: ☐ U.S. Patent  
For: ☐ PCT Application  
By: ☐ Inventor(s) or ☒ Present Owner

### ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNOR:**

Inventor(s) or person(s) or  
entity(ies) who own the  
invention

James J. Frassica Robert E. Bilinger  
(type or print name(s) of ASSIGNOR(S))

5 Essex Place 118 Albemarle Road

Address  
Chelmsford, MA 01824 Norwood, MA 02062

U.S.A. U.S.A.

Nationality

*(if assignment is by person or entity to whom invention was previously assigned  
and this was recorded in PTO, add the following)*

Recorded on \_\_\_\_\_ Reel \_\_\_\_\_  
Frame \_\_\_\_\_

hereby sells, assigns and transfers to

**ASSIGNEE:**

Essex Technology, Inc.  
(type or print name(s) of ASSIGNEE(S))

5 Essex Place

Address  
Chelmsford, MA 01824

U.S.A. - Massachusetts Corporation

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE



(complete one of the following)

- ☒ the entire right, title and interest  
☐ an undivided \_\_\_\_\_ percent (\_\_\_\_\_%) interest.  
for the United States and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

- ☒ and in all foreign countries, including all rights to claim priority,  
the invention and  
in and to any and all improvements which are disclosed in the invention entitled:  
ROTATE TO ADVANCE CATHETERIZATION SYSTEM

Name of inventor(s) James J. Frassica

(check and complete (a), (b), (c), (d), (e), (f), or (g))

and which is found in (37 C.F.R. § 3.21)

- (a) ☐ U.S. patent application executed on even date herewith  
(b) ☐ U.S. patent application executed on \_\_\_\_\_  
(c) ☐ U.S. provisional application naming the above inventor(s) for the above-entitled invention.  
☐ Express mail label no.: \_\_\_\_\_  
Mailed: \_\_\_\_\_  
☐ To comply with 37 C.F.R. § 3.21 for recordal of this assignment, I, an ASSIGNOR signing below, hereby authorize and request my attorney to insert below the filing date and application number when they become known.  
(d) ☒ U.S. application no. 08 / 797,426  
filed on 02/10/97  
(e) ☐ International application no. PCT/ \_\_\_\_\_ / \_\_\_\_\_  
(f) ☐ U.S. patent no. \_\_\_\_\_ issued \_\_\_\_\_  
☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (g), if foreign application(s) is also being assigned)

- (g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this ✓ 3rd day of ✓ December, 1998  
Date of signing

WARNING: The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

Date: ✓ 12/3/98

James J. Frassica  
Signature of ASSIGNOR(S)  
James J. Frassica

Date: 12/3/98

Robert E. Ailinger  
Robert E. Ailinger

(If ASSIGNOR is a legal entity, complete the following information)

\_\_\_\_\_  
(Type or print the name of the above person  
authorized to sign on behalf of ASSIGNOR)

\_\_\_\_\_  
Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized, then it will only be prima facie evidence of execution. 35 U.S.C. § 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

(Assignment of Invention [16-3]—page 3 of 3)

Practitioner's Docket No. FA63-C1P

**PATENT**

**NOTARIZATION OR LEGALIZATION ACCOMPANYING ASSIGNMENT**

NOTE: Executing this page is not required for assignment, and is only prima facie evidence of execution. 35 USC 261.

Details of Country United States of America  
and place of signing of assignment Commonwealth of Massachusetts  
County of Middlesex

Before me this 3rd day of December 19 98, personally appeared the above named individual(s), to me known to be the person(s) who ☐ is ☒ are described in, and who executed the foregoing assignment instrument and acknowledged to me that

<input type="checkbox"/> he		<input type="checkbox"/> his
<input type="checkbox"/> she	executed the same of	<input type="checkbox"/> her
<input checked="" type="checkbox"/> they		<input checked="" type="checkbox"/> their

own free will for the purpose therein expressed.

✓ My commission expires 12/3/98

Notary Public or Consular Officer of the  
United States of America

My commission expires: ✓ April 17, 2003.

\*\*\* James J. Frassica and Robert E. Ailinger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James J. Frassica  
Serial No.: 08/797,426  
Filing Date: 02/10/97  
Title: ROTATE TO ADVANCE CATHETERIZATION  
SYSTEM  
Group Art Unit: 3734  
Examiner: N. Gring  
Attorney's Docket No: FA63-CIP

COPY

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

SUBMISSION OF NEW POWER OF ATTORNEY

Enclosed for filing in connection with the above-identified patent application is a new POWER OF ATTORNEY which has been duly executed by the owners of all right, title and interest in and to the above-identified patent application.

This new POWER OF ATTORNEY revokes all previous powers which may have been granted in this case, and appoints new attorneys for this case.

ATTORNEY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

OCTOBER 27, 1998

(DATE OF DEPOSIT)

MARK J. PANDISKO

(NAME OF ATTORNEY)

*Mark J. Pandisko*

(SIGNATURE)

10/27/98

(DATE OF SIGNATURE)

FA63-CIP

BEST AVAILABLE COPY

Please direct all future correspondence relating to the above-identified patent application to the below-signed attorney.

In the event that any fees are required to be paid in connection with this matter, please charge the cost of the same to Deposit Account No. 16-0221. A duplicate copy of this transmittal letter is enclosed for the convenience of the Patent Office.

Thank you.

Respectfully submitted,

*Mark J. Pandiscio* 10/27/98

Mark J. Pandiscio  
Reg. No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel (781) 290-0060

MR/FA63CIP.SUB

FA63-CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James J. Frassica  
 Serial No.: 08/797,426  
 Filing Date: 02/10/97  
 Title: ROTATE TO ADVANCE CATHETERIZATION  
 SYSTEM  
 Group Art Unit: 3734  
 Examiner: N. Gring  
 Attorney's Docket No: FA63-CIP

Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

Sir:

POWER OF ATTORNEY

The undersigned, together being the owners of all right, title and interest in and to the above-identified patent application, hereby revoke all former Powers of Attorney granted with respect to said patent application and appoint Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17,293; Mark J. Pandiscio, Registration No. 30,883; David A. Tucker, Registration No. 27,840; and Scott R. Foster, Registration No. 20,570, or any of them, all of 470 Totten Pond Road, Waltham, Massachusetts 02451-1914, as their attorneys, with full power of substitution, association and revocation, to prosecute and maintain said patent application, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Signed at Chelmsford, State of Massachusetts, this 26<sup>th</sup> day of October, 1998.

By: James J. Frassica  
 James J. Frassica

By: Robert E. Ailinger  
 Robert E. Ailinger

HR/FA63CIP.FOA

FA63-CIP

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James J. Frassica  
Serial No.: 08/797,426  
Filing Date: 02/10/97  
Title: ROTATE TO ADVANCE CATHETERIZATION  
SYSTEM  
Group Art Unit: 3734  
Examiner: N. Gring  
Attorney's Docket No: FA63-CIP

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

POWER OF ATTORNEY

The undersigned, together being the owners of all right, title and interest in and to the above-identified patent application, hereby revoke all former Powers of Attorney granted with respect to said patent application and appoint Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17,293; Mark J. Pandiscio, Registration No. 30,883; David A. Tucker, Registration No. 27,840; and Scott R. Foster, Registration No. 20,570, or any of them, all of 470 Totten Pond Road, Waltham, Massachusetts 02451-1914, as their attorneys, with full power of substitution, association and revocation, to prosecute and maintain said patent application, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Signed at Worcester, State of Massachusetts, this 26<sup>TH</sup> day of October, 1998.

By: James J. Frassica

By: Robert E. Ailinger  
Robert E. Ailinger

HR/1A63CIP/POA

FA63-CIP